

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HU et al.

Application Serial No.: 09/219,442

Filed: December 23, 1998

For: Vascular Endothelial Growth Factor 2



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Art Unit: 1647

Examiner: Saoud, C..

Atty. Docket No.: PF112P2D1

**FIFTH SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**

Commissioner For Patents
Washington, D.C. 20231

Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to references EX-EY listed on the attached form PTO/SB/08. A copy of each of references EX-EY is enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR § 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed references is not to be construed as an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner review the listed reference(s) and that the reference(s) be made of record in the file history of the application.

Pursuant to 37 C.F.R. § 1.97(c)(1), the Patent Office will consider this Fifth Supplemental Information Disclosure Statement if filed before the mailing date of a final Office Action under §1.113, a notice of allowance under §1.311, or an action that otherwise closes prosecution in this application and accompanied by the statement set forth in § 1.97(e)(1).

Accordingly, the undersigned certifies pursuant to 37 C.F.R. § 1.97(e)(1) that each item of information contained in this Fifth Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Fifth Supplemental Information Disclosure Statement. In particular, the listed references were cited in an International Search Report (reference EX) mailed December 12, 2001, in connection with a corresponding international application.

Pursuant to 1.97(c)(1) no fee is believed due for this submission. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A Fee Transmittal is enclosed.

Respectfully submitted,

Dated:

MARCH 12, 2002 Michael J. Lutz
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MMW/lcc
Enclosures

